5 empowers the Dewan to settle a scheme for the administration of any property vested or to be vested in the Treasurer of Charitable Endowments; also to modify the scheme, or substitute another scheme instead, and such a scheme shall not be questioned in any Court regarding the administration of the property to which the scheme relates. Section 6 defines who shall apply for a vesting order by the Dewan. Section 7 enables the Dewan, on complaints made by any person interested in a Charitable Endowment, to order the vesting of the property of the Endowment in the Treasurer of Charitable Endowments and settle a scheme for its administration and enjoins further that no action shall be taken by him under this section except after a full enquiry. Section 9 requires the Treasurer of Charitable Endowments to keep a list of all properties vested in him and an abstract of all accounts and cause them to be published in the Government Gazette not less than once a year. This is a very important provision for the satisfactory management of public charities. A similar provision has been inserted in the Hindu Religious Endowments Regulation III of 1079 and the want of it, it is said, is one reason which has nullified the beneficial intentions of the British Indian Government in regard to the Hindu Religious Institutions of British India governed by Act XX of 1863. Section 10 defines the functions and powers of the Treasurer. Section 12 enables the Dewan to frame forms and make rules for the purpose of carrying into effect the provisions of this Regulation. Section 13 indemnifies all *bona fide* action taken by Government or Treasurer under this Regulation. Section 14 provides that the right of remedy reserved to the public by section 511 of the Civil Procedure Code (Regulation II of 1065 M. E.) shall continue.

I will conclude with the remarks of the Hon'ble Sir A. Scoble which he made during the course of the discussion on this Bill in the Viceregal Council. He said:— "It follows that the provisions of the Bill may apply to trusts for purposes partly charitable and partly embracing Religious Teaching; but I see no objection to this so long as the Treasurer is a bare Trustee or custodian of the Trust-property and the application of the Bill to a Charitable Endowment is dependent on the consent not only of the parties interested in the Trust, but of the local Government also. The necessity for this two-fold consent provides in my opinion every necessary safe-guard against an improper use of the Bill that the most orthodox Hindu or Mahommedan or (I may say) Christian could require." As already pointed out, the Bill before this Council has provided a further safe-guard by eschewing from its scope all Charitable Endowments which have the least colour of religious teaching or worship connected with them, thus avoiding even the appearance of any interference with religious feelings of any kind. I trust the followers of the different religious creeds in Travancore will see in this piece of legislation special consideration shown to their feelings in the action proposed by this Hindu Government. The Bill, it may be added, is, in the main, intended to be only a permissive one and Government will not make a vesting order or frame a scheme for the administration of any charitable Trust except on application or complaint for that purpose and may, if it sees fit, decline to take any action. With these remarks, I beg to move that the principle of the Bill be taken up for consideration on a future day.

Seconded by Mr. Ramier.

The motion was put and agreed to.

BILL TO AMEND REGULATION VI OF 1073.

Mr. Govinda Pillai:—I beg to present the Report of the Select Committee on this Bill. The Report and the amended Bill have been duly published in the Gazette and I beg, therefore, to move that the Bill be taken up for consideration.

Seconded by Mr. Nagam Aiya.

The motion was put and agreed to.

Mr. Ramier.—I beg to propose that the following be substituted for section II of the Bill:—

"Whenever any moneys, documents or other properties which were in the possession of a public servant in his capacity as such public servant and which such

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public servant was bound to account for, are not delivered or accounted for when demanded, such moneys, documents or other properties or their value may be recovered from such public servant and any other public servant who may be found to have abetted in the withholding of such moneys, documents or properties, in the same manner as if the same were arrears of public revenue under the provisions of the Revenue Recovery Regulation I of 1068. Provided that no such coercive measures shall be taken for the recovery of the moneys, documents or other properties mentioned above until an order has been passed by the Dewan declaring the extent of the liability of the public servant to account for the same after an investigation in which the public servant concerned had an opportunity of being heard in defence.

(ii). Whenever any officer as described in section II holding a preliminary enquiry or any officer holding a formal enquiry into the conduct of a public servant has reason to believe that for the due recovery from the public servant of the moneys, documents or other properties as mentioned above, an immediate attachment of the properties of the public servant is necessary, he shall after recording his reasons cause the attachment of the moveable and immoveable properties of the public servant through the Tahsildar of the Taluk within whose jurisdiction the properties may be situate.

Provided—

(1) That the requisition to attach shall always be accompanied by a demand of the moneys, documents or other properties sought to be recovered or their approximate value and that the Tahsildar shall not attach the properties if the public servant concerned either satisfies the demand or gives sufficient security prior to such attachment;

(2) That the properties attached do not exceed the approximate value of the demand and the expenses of attachment and sale;

(3) That the attachment shall be raised at any time if sufficient security is given to the satisfaction of the officer ordering the attachment;

(4) That the attachment under this clause shall cease to have effect after three months from the date of its attachment unless the said attachment is confirmed after the liability of the public servant is declared by the Dewan under clause (i); and

(5) That any order passed under this clause may be revised by the Dewan on his own motion or on appeal by the public servant concerned.

(iii). Nothing in this section shall prevent the public servant concerned from seeking remedy by suit in Civil Courts in reference to any final order passed under clause (i) declaring the liability of the public servant.

Provided that such suit shall be filed within six months from the date of such order.

Explanation.—Notwithstanding anything contained in section 409 C. P. C., there shall be no bar to such a suit on the ground that no notice of suit is given or that two months have not elapsed since giving such notice."

In reference to these amendments, I beg to submit for the consideration of the Council that the most convenient course would be for the Council to go into Committee and discuss the amendments and adopt what they consider best suited to secure the object which this measure has in view. There are precedents for this course. I will reserve my arguments in support of the amendment until the Council has decided as to this question of procedure.

Mr. Kuruvila.—I beg to second the motion now before the Council as it is proposed to revise a Bill that has been considered by a strong Select Committee and also on the ground that the amendment proposed is a reasonable one.

A discussion followed, in the course of which the Council considered the appropriateness of making the new provisions embodied in the Bill part of Regulation VI of 1073 which purports merely to afford facilities for enquiries into the conduct of public servants. The general sense of the Council was that a separate Bill should be introduced and, as far as possible, on the lines of British Indian Act XII of 1850 and Bombay Act V of 1879.

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Mr. Govinda Pillai then offered to withdraw the Bill now before the Council.

Permission was granted accordingly.

BREACH OF CONTRACT REGULATION AMENDMENT BILL.

Mr. Rajaram Row:—I beg to present the Report of the Select Committee on this Bill. The Report and the amended Bill have been already published in the Gazette, but as the interval of 21 days from the date of publication required by the Rules has not elapsed, I beg to propose that the consideration of the Bill may be deferred to the next meeting.

Seconded by Mr. Ramier.

The motion was put and agreed to.

LUNACY BILL.

Mr. Govinda Pillai:—I beg to propose the amendments of which I have given notice. I will, as usual, take them in the order of the sections.

Section 2, Clause (c).

Mr. Govinda Pillai:—I would recast the definition of "Lunatic Asylum" as follows:—

"'Lunatic Asylum' means a place appointed to be an Asylum under section 3."

The amendment is merely verbal.

Seconded by Mr. Nagam Aiya.

Carried.

Section 2, Clause (e).

Mr. Govinda Pillai:—I beg to propose that the following be substituted for this clause:—

"'Division Peishcar' shall include every officer who for the time being is authorized to exercise the powers of a Division Peishcar."

This also is a verbal amendment and is intended to secure brevity and clearness of expression.

Seconded by Mr. Rajaram Row.

Carried.

Section 3.

Mr. Govinda Pillai:—I beg to propose that the words "and may in like manner alter or cancel any such notification" at the end of the section be omitted. These words are unnecessary as the power referred to is conferred by section 14 of the General Clauses Regulation.

Seconded by Mr. Ramier.

Carried.

Section 12.

Mr. Govinda Pillai:—I beg to propose that the proviso to this section be recast as follows:—

"Provided that evidence as to the conduct of the alleged lunatic shall ordinarily be restricted to his acts within a period of two years before the date of the application; but the court may, in its discretion, admit evidence of acts done before that period."

The amendment seeks merely to make the meaning clearer and the wording precise.

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